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In re Application of	:	
GOPPEL et al.	:	
Application No.: 10/500,869	:	DECISION ON
PCT No.: PCT/EP02/12238	:	
Int. Filing Date: 02 November 2002	:	PETITION UNDER
Priority Date: 09 November 2001	:	
Attorney Docket No.: P25666	:	37 CFR 1.137(b)
For: COSMETIC AND DERMATOLOGICAL LIGHT	:	
PROTECTION FORMULATIONS WITH A CONTENT	:	
OF HYDROXYBENZOPHENONES AND	:	
ALKYLNAPHTHALATES	:	

This decision is in response to applicants' submission filed 21 July 2004.

### **BACKGROUND**

On 02 November 2002, applicants filed international application PCT/EP02/12238 which designated the U.S. and claimed a priority date of 09 November 2001. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 15 May 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 May 2004 (09 May 2004 being a Sunday).

On 21 July 2004, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and a "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNDER 37 CFR 1.137(b) WHEREIN THE ENTIRE DELAY WAS UNINTENTIONAL".

### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 21 July 2004.

As to item (2), applicant submitted the petition fee on 21 July 2004.

As to item (3), petitioner's statement that "the entire delay in entering the national stage was unintentional" has been construed as meaning that the "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional." If this interpretation is incorrect, applicant must *immediately* notify the Office of PCT Legal Administration of such fact.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

**CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring: an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b); the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date; an English translation of the international application as filed; and the processing fee under 37 CFR 1.492(f) for furnishing the English translation later than thirty months from the priority date.



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